

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-15019 - APPLICANT/OWNER: JEFFREY D. AND
DENISE L. MAZUR**

**** CONDITIONS ****

The Planning Commission (6-1/gt vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for non-habitable accessory structure use.
2. Conformance to the Conditions for Variance (VAR-15021) if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

APPLICATION REQUEST

This is an appeal by the applicant from the denial by the Planning Commission of a request for a Special Use Permit for a proposed 1,520 square-foot non-habitable structure at 6230 Corbett Street. A related Variance (VAR-15021) will be considered concurrently with this request.

EXECUTIVE SUMMARY

The proposed one-story metal structure will be located in the (west) rear-yard area. The proposed 16-foot height of the non-habitable accessory structure is less than the 35-foot height of the principal structure as required by Title 19. The structure meets all setback requirements for this type of use. The metal exterior of the structure does not match the stucco exterior of the principal building.

The structure, as proposed, exceeds the maximum floor area allowed by the city code. The applicant is proposing a 1,520 square-foot habitable structure where 880 square feet is the would be the maximum allowed. A related Variance (VAR-15021) has been requested to provide relief from this requirement.

This application is not recommended for approval as the proposed non-habitable structure exceeds the maximum gross floor area for this location and is too large in scale to be compatible with development in the surrounding area.

BACKGROUND INFORMATION

A) Related Actions

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|----------|--|
| 08/24/06 | This application was held in abeyance for the applicant to address staff concerns with the project. Staff |
| 09/07/06 | The Planning Commission recommended denial of companion item VAR-15021 concurrently with this application. |
| 09/07/06 | The Planning Commission voted 6-1/gt to recommend DENIAL (PC Agenda Item #39/jm). |

B) Pre-Application Meeting

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|----------|---|
| 06/20/06 | At the pre-application meeting, the applicant was informed that the size of his proposed non-habitable accessory structure would exceed the minimum standard of fifty percent of the floor area of the principal dwelling unit constructed on the same lot. |
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C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.47

B) Existing Land Use

Subject Property: Single Family Residential
North: Single Family Residential
South: Vacant
East: Single Family Residential
West: Single Family Residential

C) Planned Land Use

Subject Property: R (Rural Density Residential)
North: R (Rural Density Residential)
South: R (Rural Density Residential)
East: R (Rural Density Residential)
West: R (Rural Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-D (Single Family Residential-Restricted)
East: R-E (Residence Estates)
West: R-E (Residence Estates)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the Master Plan with a RNP (Rural Neighborhood Preservation) designation, which allows for residential development with up to two units per acre. The existing R-E (Residence Estates) zoning district is consistent with the Master Plan, and the proposed habitable structure is a permitted use with the approval of a Special Use Permit.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is located with the Rural Preservation Overlay District; however, because an accessory structure does not increase residential density, this application is not affected by the provisions of the overlay district.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.04 and 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	20,000	20,473 Feet	Y
Min. Setbacks			
• Side	3 Feet	7 feet	Y
• Rear	3 Feet	65 feet	Y
• From House	6 Feet	7 feet	Y
Max. Building Height	2 Stories / 35 Feet	1 story/ 16 Feet	Y
Gross Floor Area (max)	880 Feet	1520 Feet	N

The subject proposal exceeds the maximum amount of allowable gross floor area and is subject to a related Variance (VAR-15081) request.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed non-habitable structure use.

B) General Analysis and Discussion

- Zoning

The purpose of the R-E (Residence Estates) District is to provide for low density residential units located on large lots and conveying a rural environment. This district is consistent with the policies of the RNP (Rural Neighborhood Preservation) category of the General Plan. The proposed non-habitable structure is a permitted use within the existing R-E (Residence Estates) zoning district with the approval of a Special Use Permit.

- Use

The proposed one-story metal structure will be located in the (west) rear-yard area. The proposed 16-foot height of the non-habitable accessory structure is less than 35-foot height of the principal structure as required by Title 19. The structure meets all setback requirements for this type of use. The metal exterior of the structure does not match the stucco exterior of the principal building. This application is not recommended for approval as the proposed non-habitable structure exceeds the maximum gross floor area for this location and is too large in scale to be compatible with development in the surrounding area.

Ordinance No. 5825 was approved by the City Council on April 19, 2006 and amended the zoning regulations to update the definitions and criteria applicable to accessory structures. The non-habitable structure use requires the approval of a Special Use Permit in the R-E (Residence Estates) zoning district and is the subject of this application request.

The portions of the ordinance that are relevant to this case are the new floor area limitations and new lot coverage provisions. The new floor area requirement stipulates that the floor area of a proposed accessory structure shall not be more than 50 percent of the floor area of the principal structure. The structure as proposed exceeds the maximum floor area allowed by the city code. The applicant is proposing a 1,520 square-foot habitable structure where 880 square feet is the would be the maximum allowed. A related Variance (VAR-15021) has been requested to provide relief from this requirement.

The new lot coverage requirement limits lot coverage for accessory structures in the rear-yard to 50 percent. Given that the proposed accessory structure is 1,520 square feet and the lot is approximately 20,037 square feet in size; it meets the requirements of this portion of the code.

- Conditions

The use shall comply with all provisions of Section 19.09.040 applicable to accessory structures.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Given the scale of the proposed non-habitable accessory structure, the proposal cannot be conducted in a manner that is harmonious and compatible with the surrounding single-family residential uses in the area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

While the site is physically suitable for a non-habitable accessory structure, the structure as proposed exceeds the maximum floor area as allowed by city code. The applicant is proposing a 1,520 square-foot non-habitable structure where an 880 square-foot structure would be the maximum allowed. The applicant is attempting to overbuild the site and is proposing a structure that is too large in scale for the surrounding area.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site receives access from Corbett Street, a 60-foot residential street, and it will be adequate in size to meet the requirements of the proposed non-habitable accessory structure.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The site will be subject to regular inspection and; therefore, will not compromise the public health, safety or general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 131 by City Clerk

APPROVALS 0

PROTESTS 1